



LABOUR ARBITRATION

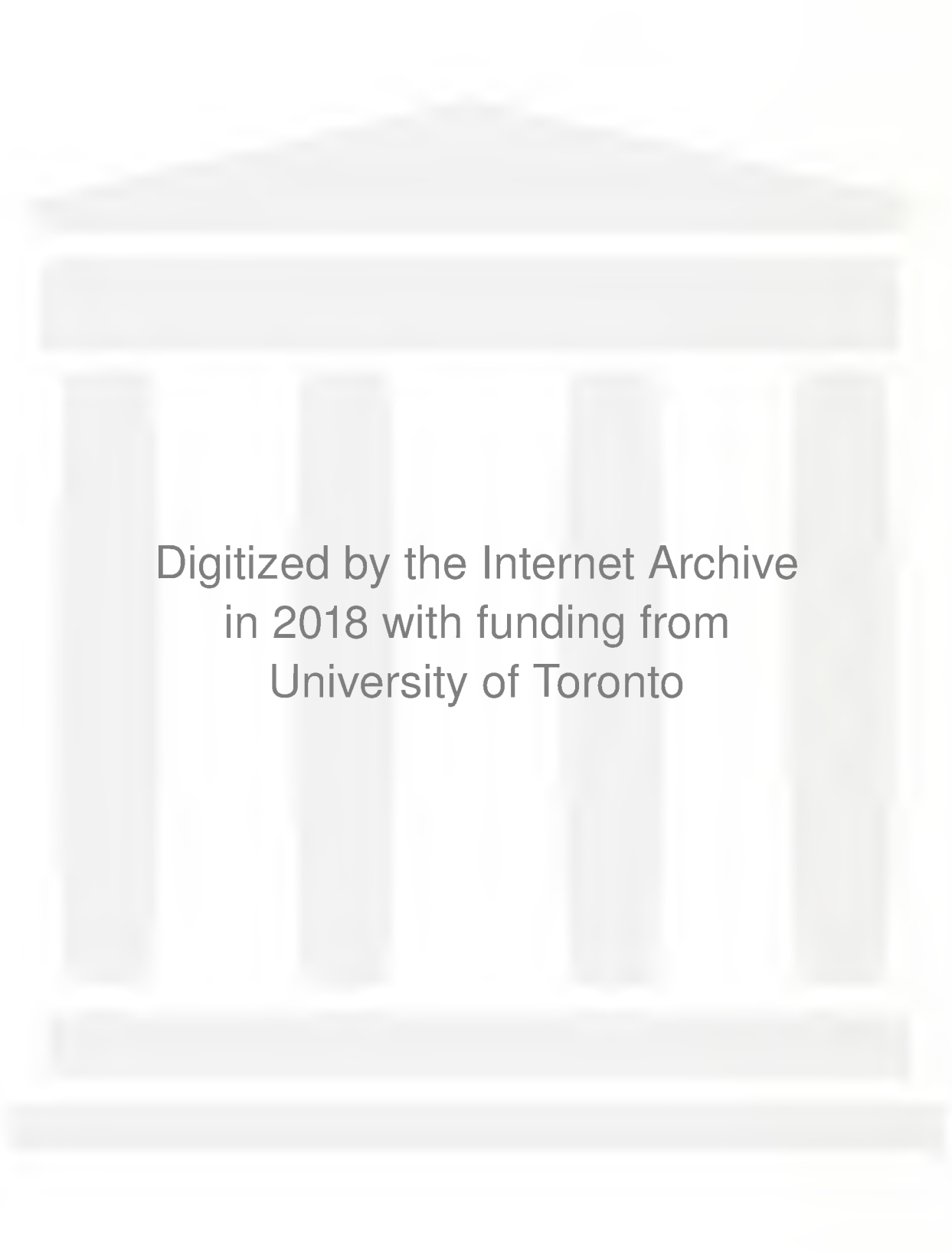
CASES AND MATERIALS

PREPARED BY LAURA TRACHUK
JANUARY 2003

LABOUR ARBITRATION

CASES AND MATERIALS

PREPARED BY LAURA TRACHUK
JANUARY 2003



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

LABOUR ARBITRATION – CASES AND MATERIALS

TABLE OF CONTENTS

<u>CHAPTER ONE - Introduction</u>	Page
<i>Labour Relations Act, 1995 ss, 48 - 50</i>	1
<i>Employment Standards Act ss. 99-101</i>	5
<i>Hospital Labour Disputes Arbitration Act ss. 5-9</i>	8
Kevin Burkett, "Cost and Delay in Labour Arbitration: Is There a Silver Lining? in <i>1997 Labour Arbitration Yearbook</i> , p.317.	
 <u>CHAPTER TWO – Jurisdiction</u>	
<i>Weber v. Ontario Hydro</i> (1995), 125 D.L.R. (4 th) 583 (S.C.C.)	20
<i>District of Parry Sound Social Services Administrative Board and Ontario Public Service Employees Union, Local 324</i> , Decision of the Ont. C.A. June 19, 2001	37
<i>Ontario Human Rights Commission v. Naraine</i> Decision of the Ont. C.A. December 14, 2001	52

CHAPTER THREE - Impartiality, Neutrality and Independence

<i>O.P.S.E.U. (Kowal) and Crown in Right of Ontario</i> (Ministry of Health) G.S.B. File 813/88, December 21, 1989 (Verity)	79
<i>Ontario Medical Association and The Province of Ontario</i> June 8, 1995, (Burkett)	94
<i>Canadian Union of Public Employees and Service</i> <i>Employees International Union and the Minister of</i> <i>Labour for Ontario</i> , Decision of the Ont. C.A. November 21, 2000 now reported at (2000) O.R. (3d) 417	112

CHAPTER FOUR - The Arbitration Process

<i>Re Dartmouth General Hospital, Toronto and</i> <i>C.U.P.E. Local 1156</i> (1988) 1 L.A.C. (3d) 444 (Langille)	146
<i>Re Scarborough General Hospital and Ontario Nurses'</i> <i>Association</i> , (1996) 60 L.A.C. (4 th) 170 (Langille)	149
<i>Re Canada Post Corp. and Canadian Union of</i> <i>Postal Workers</i> , (1993) 35 L.A.C. (4 th) 300 (Christie)	153
<i>Re Maple Leaf Pork and United Food and Commercial</i> <i>Workers International Union, Local 1227</i> , (1999) 84 L.A.C. (4 th) 62 (Armstrong)	161
<i>Re Clarke Institute of Psychiatry and Ontario Nurses'</i> <i>Association</i> , (1995) 45 L.A.C. (4 th) 284	169

CHAPTER FIVE– Arbitral Doctrines and Evidence

<i>Re Meadow Park Nursing Home and Service Employees International Union, Local 220</i> , (1983), 9 L.A.C. (3d) 137 (Swan)	174
<i>Re Crowne Plaza Ottawa and Hospitality and Service Trades Union, Local 261</i> , (2000) 92 L.A.C. (4 th) 357 (Browne)	180
<i>Re City Wide Taxi and Ontario Taxi Union (U.S.W.A.), Local 1688</i> , (1999) 78 L.A.C. (4 th) 428 (Baum)	186
<i>Re Quaker Oats Co. of Canada Ltd. and Service Employees Union, Local 183</i> (2000) 91 L.A.C. (4 th) 1 (Emrich)	202
Bernie Adell “Arbitral Discretion in the Admission of Evidence: What Limits Should There Be?” in 1999-2000 <i>Labour Arbitration Yearbook, Volume II</i> , p.1	213

CHAPTER SIX – Judicial Review

<i>Regina v. Barber et.al., Ex parte Warehousemen and Miscellaneous Drivers’ Union Local 419</i> , (1968) 68 D.L.R. (2d) 682	232
<i>Oshawa Wholesale Ltd. and Ontario Produce Co. Ltd. v Warehousemen and Miscellaneous Drivers Union Local 419 et.al.</i> (1971) 71 CLLC 14,094	238.
<i>Board of Education for the City of Toronto v. Ontario Secondary School Teachers’ Federation, District 15</i> (1997) 97 CLLC 220-018 (S.C.C.)	239
<i>Essex County Roman Catholic School Board v. Ontario English Catholic Teachers’ Assn.</i> , [2001] O.J. No. 3602 Docket No. C34932 (Ont. C.A. decided September 13, 2001) (reported (2001) 56 O.R. (3d) 85)	254

<i>Toronto Catholic District School Board v. Ontario English Catholic Teachers' Assn. (Toronto Elementary Unit)</i> , [2001] O.J. No. 3748 Docket No. C35667 (Ont. C.A. decided September 24, 2001) (reported (2001) 55 O.R. (3d) 737.	262
Kenneth P. Swan, "Ships Passing in the Night: Miscommunications Between Arbitrators and the Courts", now published in 1999-2000 <i>Labour Arbitration Yearbook</i> p.1.	269